

Appl. 09/995,666
Art Unit : 3616
Attorney Docket No. RP-00204-US2
Examiner : ILAN, Ruth

REMARKS

Reconsideration and allowance of the present application are respectfully requested in view of the foregoing amendment and the following remarks.

Claims 24 to 31 are cancelled without prejudice or disclaimer to the subject matter contained therein. After entry of this Amendment, new claims 32-51 are pending and are believed to be in order for allowance. It is believed that no new matter has been entered.

Applicant disagrees with the Examiner regarding the obviousness of prior claim 24, nonetheless this claim has been cancelled in favour of new independent claim 32. Claim 32 recites a combination similar to that in prior claim 24 but further including "a rear gear case operatively connected to the rear wheel axle, a rear drive shaft operatively interconnecting the engine with the rear gear case, and a rear brake disk associated with the rear drive shaft". This combination is not taught nor suggested in the references cited by the Examiner.

Robison (US 6,491,126), assigned to the present assignee, discloses an all-terrain vehicle having a rear brake disk 234 associated with the right rear axle 237, not with the rear drive shaft 201.

Youmans (US 4,081,049) discloses a rear axle having two half shafts 19a, 19b and rear differential 16a having a pair of rear brake disks 21a, 21b, one associated with each of the half shafts, not with the rear drive shaft 17a.

Schmid (US 3,439,786) discloses an annular braking surface 2 adjacent to a differential 100 on the output shafts/wheel axle. Figures 2a and 2b respectively depict a single brake disk on an axle and a dual brake disk arrangement on an axle. There is no discussion nor suggestion of associating a rear brake disk on a rear drive shaft.

Since none of the references cited by the examiner, individually disclose a rear gear case operatively connected to the rear wheel axle, a rear

Appl. 09/995,666

Art Unit : 3616

Attorney Docket No. RP-00204-US2

Examiner : ILAN, Ruth

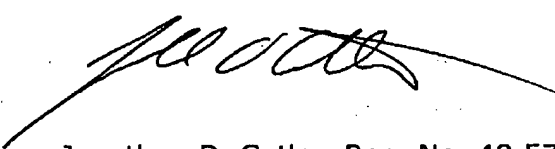
drive shaft operatively interconnecting the engine with the rear gear case, and a rear brake disk associated with the rear drive shaft, they cannot, whether taken individually or together (without admitting that this is proper), render obvious, much less anticipate, new claim 32. It is believed that this claim is patentable over the references of record.

Dependent claims 33-51 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 32 and the additional features recited therein.

In view of the above amendments and remarks, the Applicant respectfully submits that claims 32-51 are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Jonathan D. Cutler, Reg. No. 40,576
Attorney for the Applicant
Tel: 450.461.7700
Fax: 450.461.7833